

REMARKS

Although Applicants have requested withdrawal of the finality of the outstanding Office action, Applicants are also offering the enclosed claim amendments to expedite prosecution by identifying the alpha-crystal form of the methanesulfonic acid addition salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-[4-pyridin-3-yl)pyrimidin-2-ylamino]phenyl]benzamide in all claims by its X-ray powder diffraction pattern. Specifically, Applicants have incorporated the limitations of claim 12 into claims 1 and 8, and amended claims 13, 28, and 32 to further limit claims 1, 2, and 8, respectively.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. **Applicant submits that an extension of time is not required because the reply to final Office action filed on November 10, 2009 canceled all claims that were previously rejected and the Advisory Action of November 27, 2009 improperly included a new ground of rejection.** However, should an extension of time be required nevertheless, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/

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